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JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

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May 23, 2007

VIA HAND DELIVERY

Michael J. Beck
Clerk of the Panel
The Judicial Panel on Multidistrict Litigation
Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, D.C. 20002-8004

Re: Tag-Along Case in MDL-986: In re "Factor VIII or IX Concentrate
Blood Products" Products Liability Litigation

Dear Mr. Beck:

This firm represents Bayer Corporation in MDL-986. The case of Jonathon Lee Boutsikaris v. Bayer Corp. et al., has been filed in the United States District Court for the Northern District of California. It is assigned to Judge Spero under the number C-07-2595. Copies of the Summons and Complaint are enclosed.

The Complaint in this case alleges, inter alia, that Mr. Boutsikaris, a person with hemophilia, was infected with HCV from his use of the defendants' factor concentrates (a medicine used to treat hemophilia). This claim is brought against, inter alia, Bayer Corporation and several of the same fractionator defendants that are defendants in MDL-986. Many of the allegations in this complaint are similar to the ones made in the cases that led the Panel to establish MDL-986, In re "Factor VIII or IX Concentrate Blood Products" Liability Litigation, 853 F. Supp. 454 (J.P.M.L. 1993), and, more recently, to transfer Gullone v. Bayer Corp., and other similar cases to MDL-986.

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Bayer Corporation believes that transfer of this case to the Northern District of Illinois "will promote the just and efficient conduct" of this action. 28 U.S.C. § 1470(a). Transfer under § 1407 will also avoid the potential for duplicative discovery and inconsistent rulings on certain legal issues raised by this and other factor concentrate cases now pending in the Northern District of Illinois as part of MDL-986.

For the forgoing reasons, Bayer Corporation believes that this case should be treated as a "tag-along case" in MDL-986 and that a conditional transfer order should be issued. Please advise me as soon as possible if a conditional transfer order will not be issued in this matter; so that defendants can promptly file a motion to have this case transferred to MDL-986.

Sincerely,



Katharine S. O'Hara

KSO/ps
Enclosure(s)